

**PETITION FOR HEARING ON
EX PARTE
ORDER OF ASSIGNMENT
(ASSIGNMENT WITHOUT ADVANCE NOTICE
OR HEARING)**

3

**To Make the Party Obey A Court Order
For Support**

Part 3:

**PETITION FOR HEARING
TO OBJECT TO EX PARTE ORDER OF
ASSIGNMENT**



SELF-SERVICE CENTER

PETITION FOR HEARING ON EX PARTE ORDER OF ASSIGNMENT (ASSIGNMENT WITHOUT ADVANCE NOTICE OR HEARING)

FOR THE PARTY OBJECTING TO AN ORDER OF ASSIGNMENT

This packet contains court forms and instructions to file a petition for a Hearing on an Ex Parte Order of Assignment. The documents should appear in order as listed below. The items listed in **BOLD** are forms you will need to fill out, copy, and submit to the Court. **Do not copy or file the instructions and other non-bold items!**

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SELF-SERVICE CENTER

CHECKLIST Forms and Instructions

“PETITION FOR HEARING ON EX PARTE ORDER OF ASSIGNMENT”

USE THESE FORMS IF:

- ✓ Your employer or other payor was served with an Ex Parte Order of Assignment to take money from your pay for child support and/or spousal maintenance, **AND**
- ✓ One *or more* of the following statements is true:
 - I am **not** the person named in the Ex Parte Order of Assignment (Mistaken Identity), **OR**
 - The amount is incorrect or has been modified, **OR**
 - The child support or spousal maintenance order has been dismissed or is no longer valid, **OR**
 - Current child support or spousal maintenance is no longer owed, **OR**
 - All arrearages and interest have been paid/satisfied and are no longer owed.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

HOW TO PETITION FOR A HEARING REGARDING AN EX PARTE ORDER OF ASSIGNMENT

TO COMPLETE THESE FORMS YOU WILL NEED A COPY OF THE EX PARTE ORDER.

INSTRUCTIONS

FOR ALL FORMS: TYPE OR PRINT NEATLY USING BLACK INK

Match the number of the instruction to the corresponding number on the form.

1st Form: Petition for Hearing Re: Ex Parte Order of Assignment

- (1) Type or print the information requested at the upper left corner for the person filing this form.
- (2) Type or print the information requested as it is listed on the ***"Ex Parte Order of Assignment"***.
- (3) Type or print your name in the blank space provided.
- (4) Check all of the boxes that describe why you want a hearing regarding the Ex Parte Order of Assignment.
- (5) Check this box if you want the Court to order the Support Payment Clearinghouse to not pay out any monies already received until after the hearing (**Note: This hold, if granted, does not happen instantly.**).
- (6) **Sign and Date the form.** By signing the form you are stating to the Court that the information you have entered is true and correct to the best of your knowledge, under penalty of perjury.

2nd Form: Notice of Hearing – Fill in only the information described below.

- (1) Type or print the name of Petitioner and Respondent, Case Number, and ATLAS Number (if any) as listed on the **Ex Parte Order of Assignment**.
- (2) LEAVE THE REST OF THE FORM BLANK. The Judicial Officer or Clerk will complete the rest.

PROCEDURES: WHAT TO DO AFTER YOU HAVE COMPLETED THE FORMS

1. Make two copies of both forms (three, if there is an ATLAS Number).
 2. File your papers with the Clerk of the Superior Court at any Maricopa County Courthouse location:
201 W Jefferson, Phoenix; 18380 North 40th Street, Phoenix; 222 E. Javelina Drive, Mesa or 14264 W. Tierra Buena Lane, Surprise
 3. Hand your originals and all copies to the Clerk at the filing counter who will enter the date, time and place of hearing, sign the Notice, and return the copies to you. Keep one set for your records.
 4. There is a fee of **\$61.00** for filing this request, **but if you have never "appeared" in this case**, meaning you or your attorney have not previously filed any response or other papers in this case, **there may also be an Appearance Fee of \$231.00.** If you cannot afford this fee, you may request a fee deferral application from the Clerk of Court's Office or the Self Service Center. The form may also be obtained from the Self Service Center's website at:
http://www.superiorcourt.maricopa.gov/ssc/forms/defer_gnf.asp
-
1. You must then immediately serve a copy of the **"Petition"** and the **"Notice"** on the other party or his/her attorney. See the Self-Service Center's "Service" packet(s) for further information if needed.
 2. **If either party is using the child support collection services of the state IV-D agency (DES), you must also send a copy to that agency. You may do this by mailing to this address: Attorney General, Child Support Enforcement, P. O. Box 6123, Site Code 775 C, Phoenix, AZ 85005**
 3. Attend the hearing.

(1) Person Filing: _____
 Mailing Address: _____
 City, State, Zip Code: _____
 Daytime / Evening Phone: _____ / _____
 In this case I am a: ☐ Petitioner ☐ Respondent ☐ Represented by Attorney
 Attorney Name: _____ Bar No.: _____

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

(3) _____
 Petitioner (in original case)

(2) Case No. _____

ATLAS No. _____

 Respondent (in original case)

**PETITION FOR HEARING
 RE: EX PARTE ORDER OF
 ASSIGNMENT A.R.S. § 25-504**

**THIS FORM IS NOT TO BE USED TO REQUEST A CHANGE IN YOUR EXISTING SUPPORT ORDER.
 THIS FORM ONLY APPLIES TO THE EX PARTE ORDER OF ASSIGNMENT.**

(3) I, _____ ask the court to set a hearing within ten (10) days before the Ex Parte Order of Assignment becomes binding on my first employer/payor served with the Ex Parte Order of Assignment. This petition is filed within **SEVEN DAYS** from the date the Petition for Assignment, Ex Parte Order of Assignment and Notice were delivered to me.

(4) This Petition for Hearing is based on the following statement(s) regarding the Ex Parte Order of Assignment. (Check all boxes that apply)

- ☐ The person named in the Ex Parte Order is not me (Mistaken Identity).
- ☐ The amount shown in the Ex Parte Order is incorrect or has been modified.
- ☐ The child support or spousal maintenance order has been dismissed or is no longer valid.
- ☐ The current child support or spousal maintenance is no longer owing.
- ☐ All arrearages/interest have been paid/satisfied and are no longer owing.

(5) ☐ I request the Court to order the Support Payment Clearinghouse to hold any payments received pursuant to the Ex Parte Order of Assignment until after the hearing. I realize that this hold will not be instant and that monies will continue to be sent out until a judicial determination is made.

By signing this form I state to the Court, under penalty of perjury, the information I have given is true and correct.

(6) _____
 Date

 Signature of Requesting Party

**SUPERIOR COURT of ARIZONA
IN MARICOPA COUNTY**

(1) _____
Petitioner (in original case)

Case No. _____

ATLAS No. _____

Respondent (in original case)

**NOTICE OF HEARING REGARDING
EX PARTE ORDER OF ASSIGNMENT
A.R.S. § 25-504**

A Petition for Hearing regarding the Ex Parte Order of Assignment has been filed: This matter has been set for hearing:

NAME OF JUDICIAL OFFICER: _____

DATE AND TIME OF HEARING: _____

PLACE OF HEARING: Maricopa County Superior Court

ADDRESS: _____

Bring any documents or exhibits that you want to use as proof in your case.

If either party fails to appear at the hearing after proper notice, the Court may take evidence from the party who does appear and may make a decision based on the information provided in the pleadings, and any oral testimony presented at the hearing, or the court may issue other orders.

Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case at least 3 judicial days in advance of a scheduled court proceeding.

If you require the services of an interpreter of a spoken language or for the hearing impaired, your request must be made immediately to the division assigned to the case.

Date

Judicial Officer/Deputy Clerk of Court